

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-433-D

KIMBERLY BAILEY,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant.

ORDER

On March 21, 2012, the court heard oral argument on the cross motions for judgment on the pleadings. At the end of the hearing, the court announced its decision. The transcript of the hearing is incorporated herein by reference. As explained in open court, plaintiff's motion for judgment on the pleadings [D.E. 33] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 39] is DENIED, and the action is REMANDED to the Commissioner. On remand, the Commissioner shall assess plaintiff's credibility in accordance with SSR 96-7p and shall evaluate Dr. Schell's opinion in accordance with SSR 96-8p. On remand, Bailey also will be able to further develop the record.

SO ORDERED. This 21 day of March 2012.


JAMES C. DEVER III
Chief United States District Judge